

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing (day/month/year) 07 JUN 2005	
Applicant's or agent's file reference 2199-7PCT	REPLY DUE within 2 months/days from the above date of mailing
International application No. PCT/US04/21371	International filing date (day/month/year) 02 July 2004 (02.07.2004)
Priority date (day/month/year) 03 July 2003 (03.07.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): G08B 13/08 and US Cl.: 340/546,545.4,545.5,566,539.1,692,522,524,693.5; 310/311; 348/155	
Applicant GUARDIT TECHNOLOGIES, LLC	

1. ☒ The written opinion established by the International Searching Authority:

☒ is ☐ is not

considered to be a written opinion of the International Preliminary Examining Authority.

2. This second (first, etc.) opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.
For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 03 November 2005 (03.11.2005)

Name and mailing address of the IPEA/ US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
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WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/US04/21371

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-27,29-32,34-37,39,41,43,45-57 and 59-61 as originally filed/furnished
pages 28,33,38,40,42,44 and 58 received by this Authority on 12 April 2005

(12.04.2005)

pages NONE received by this Authority on _____

☒ the claims:

pages NONE as originally filed/furnished

pages NONE as amended (together with any statement) under Article 19

pages 62-70 received by this Authority on 12 April 2005 (12.04.2005)

pages NONE received by this Authority on _____

☒ the drawings:

pages 1-16 and 18-37 as originally filed/furnished

pages 17 received by this Authority on 12 April 2005 (12.04.2005)

pages NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☒ the claims, Nos. 58-67

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

WRITTEN OPINION OF THE
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Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-56</u>	YES
	Claims <u>57</u>	NO
Inventive Step (IS)	Claims <u>1-56</u>	YES
	Claims <u>57</u>	NO
Industrial Applicability (IA)	Claims <u>1-57</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations:

Claim 57 lacks novelty under PCT Article 33(2) as being anticipated by Lemelson (US 4337462).

Note in Lemelson, accelerometers 16-18; vibrator sensor 22; transmitter 28; receiver 44; and speaker 56. As to claim 57, accelerometers 16-18 inherently serve as a "long wave motion sensor", and sensor 22 is a "vibration sensor", such that computer 24 (Fig. 2) separately receives--and distinguishes between--the "vibration events" and "long wave motion events" sensed by the different "sensors" (see col. 2, lines 31-51 and col. 3, lines 58-65).

Although it is argued (in the response filed 4/12/05) that claim 57 "requires only a single motion sensor" (whereas Lemelson, as discussed above, relies on "discrete motions [sic] sensors", i.e. accelerometers 16-18 and vibration sensor 22 respectively), note that the form of the claim merely states that the movement detecting and signal transmitting means "compris(es)" a motion sensor and control circuitry (lines 5-6), and thus the scope of the claim encompasses using other (unnamed) sensors in addition to the motion sensor, for providing output signals to the control circuitry.

Claims 1-56 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the subject matter recited in these claims.

Claims 1-57 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 6-7 and 55-56 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims are indefinite for the following reason(s):

In claim 6, it is unclear if the "partial vacuum environment" has anything to do with the "vacuum environment" recited at the end of claim 1; i.e. "partial vacuum environment" lacks antecedent basis.

The dependency of claim 55 on itself is improper, i.e. the scope of this claim cannot be determined.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient.)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.